

**REMARKS**

This Response is in rebuttal to the Patent Office's stated "Response to Arguments" which appears on pages 18-19 of the Official Action mailed on August 24, 2005. Entry of this Response and consideration of the following remarks are requested because the Patent Office has not made out a *prima facie* case of obviousness, and reconsideration of the rejection is therefore appropriate. This Response should also be entered so that the record includes Applicant's rebuttal in the event of an Appeal.

Claims 13 and 22-40 are now pending. None of the claims are amended by this Response. The pertinence of Weber and Sawada has been discussed in Applicant's prior responses.

***Rebuttal to Patent Office's "Response to [Applicant's] Arguments"***

**A. The Proposed Combination Differs from the Invention of the Independent Claims**

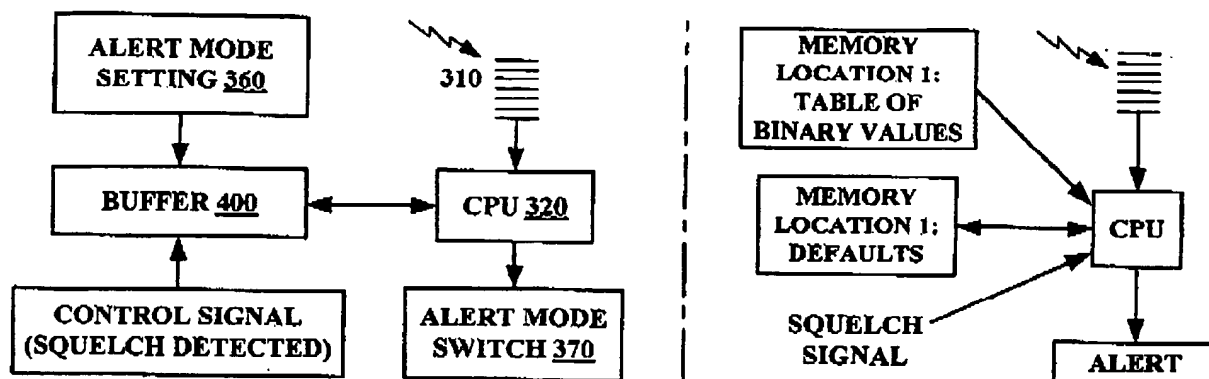
Weber and Sawada each disclose basic components such as a CPU, RAM, ROM and mode-change signal detection. However, the proposed combination of Weber and Sawada fail to teach the recited connection of parts or operation as claimed and therefore do not render the invention of the independent claims obvious. As was illustrated at the Interview and summarized below, the invention defined in the independent claims differs from prior art approaches, including the proposed modification of Weber in view of Sawada, because the independent claims recite control of the alert response for both enable and disable modes on the basis of a *single memory location* (the buffer memory), and, in dependent claims, on the basis of a *single bit*. That is not taught by either Weber or Sawada and is therefore lacking from their combined teachings.

During the interview of April 12, 2005, Applicant illustrated a principal distinction between the claimed invention and the Weber patent modified in view of Sawada, as shown below.

In particular, the illustration on the next page shows, on the left, is a block diagram that emphasizes a central facet of the claimed invention, namely, that the alert mode switch is responsive to the contents of the buffer, and that the CPU only need to look to one place in memory in order to determine which alert device to energize. See page 9, lines 5-16 of the Specification. There is never a conflict to resolve as between a user alert-mode setting and any need to override that setting in view of the presence or absence of a squelch signal. Instead, the alert mode switch quite elegantly looks to the contents of the buffer, at all times, to govern which alert device to energize.

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On the right above is a schematic illustration of Weber modified in view of Sawada so as to now have a table of "binary values" for use in the squelch mode. Of particular interest is the fact that the CPU must resolve a conflict as to which memory locations to look to depending on whether the squelch signal is present. In the absence of the signal, the CPU utilizes the memory location that stores the default settings, which is what Weber teaches. In the presence of the signal, the proposed modification has the CPU of Weber instead use binary values as taught in Sawada, which are stored in a table of values, necessarily at a different memory location. There is no teaching or suggestion in either document that an alert-mode switch be governed by a single memory location as in the invention defined by the independent claims. Thus, the mechanism of Weber modified in view of Sawada for setting the alert-mode switch requires the CPU to look to different memory locations, and further requires programming responsive to external conditions, whereas the claimed device manages the alert switch solely with reference to the buffer memory.

In the claimed methodology, the contents of the buffer memory are utilized both under squelch and non-squelch conditions to control the state of the alert-mode switch. As previously argued in Amendments:

In the absence of a squelch signal, any user preference concerning the ring-mode is stored in the buffer memory based on values maintained in a separate memory location, namely, the "alert-mode memory-cell." On the other hand, when a squelch signal is detected, the alert-mode switch continues to be governed by the contents of the buffer memory, but in this state the buffer is supplied with a value which causes the device to "ring" silently, i.e., to activate the vibrator instead of the acoustic driver. This circuit arrangement therefore switches on a specific alert device, regardless of whether a squelch signal is being

detected (that is, at all times), based on the present contents of the buffer memory. Thus, an elegant scheme is provided to avoid conflicts between a user-setting and an override-condition imposed by a squelch signal. The art of record fails to teach or suggest the claimed circuit, or a methodology that implements this scheme.

Furthermore, the binary values of Sawada have no bearing on the response of a device to an incoming message for which the phone is to respond with a ring or a vibration. On the contrary, the user-settings of Sawada operate in exactly the opposite mode than recited in claim 13. In particular, the binary settings of Sawada affect the degree to which the operation of the phone is inhibited rather than a preference of how an enabled phone is to respond to an incoming message. Therefore, its combination with Weber, which is silent as to binary-value based phone-control, does not render the structure of claims 13 and 34, nor the method of claim 25, obvious.

**B. There Is No Motivation To Combine Weber And Sawada**

The Patent Office asserts that persons of ordinary skill in the art would have been motivated to modify Weber in view of Sawada. The asserted motivation is the same for each of the independent claims. For example, with respect to claim 13, the Patent Office states:

"Therefore, at the time of the invention it would have been obvious to a person of ordinary skill[] in the art to modify the teachings of Weber . . . to include Sawada . . . in order to incorporate a said RAM to store the dynamic binary values use[d] to regulate the mode of the said device. Additionally, the combination also provides a means for the system to maintain a specific mode of operation for the said mobile terminal despite the presence of a said control signal."

However, the asserted motivation for making this combination of references is in error. First, there is no need to incorporate in RAM to store dynamic binary values because Weber already teaches the storage of timing data to control mode change ("Another possibility is to store the time information in the mobile terminal 7 so that the time period during which the changed mode has to be maintained is provided by the mobile terminal 7 itself."). Accordingly, Weber has no need to include the RAM of Sawada.

Second, there is no need to combine the teachings of these references in order to maintain a particular mode of operation because Weber already teaches that the squelch mode is maintained for a predetermined time period or until a second mode change information signal is received.

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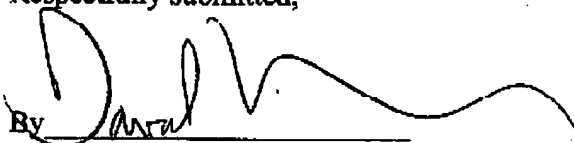
Thus, the asserted motivation to make the proposed combination of Weber in view of Sawada is lacking, and so the Patent Office has not made a *prima facie* case of obviousness.

For the foregoing reasons, entry of these remarks and withdrawal of the outstanding rejection is believed to be warranted.

No fee is required for this Response.

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